

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1479 – SB 1504

January 31, 2018

SUMMARY OF ORIGINAL BILL: Expands the authorization of general sessions and criminal court judges across the state, rather than in Knox County only, to implement programs of community service in lieu of full payment of court costs and litigation taxes for indigent defendants.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (012522): Deletes and rewrites all language after the enacting clause such that the only substantive changes are (1) to require a court clerk to submit a request in writing to the county legislative body to implement a community service program for indigent criminal defendants in lieu of full payment of court costs and litigation taxes and (2) to require the county commission to vote whether to approve such a request within 30 days of receipt.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-25-123(b), the presiding judge of a general sessions court may currently waive the court costs and litigation tax that is to be paid pursuant to Tenn. Code Ann. §§ 67-4-602 through 67-4-606 for any indigent criminal defendant.
- Authorizing judges to refer indigent defendants to community service will not affect the number of people identified as indigent or reduce the amount of litigation tax or court costs collected. Therefore, any impact on such revenue to the state or county court systems is estimated to be not significant.
- The implementation of any community service program for indigent defendants is permissive. If any such program is implemented, it will be accomplished within the existing general session or criminal court resources.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/amj